

REMARKS

The following remarks are responsive to the Office Action of September 25, 2007, which was made Final.

At the time of the Office Action, claims 1, 3, 5-10, 12 and 14-17 were pending. Claims 1, 3, 6, 9, 10, 12 and 17 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,657,654 to Narayanaswami (hereinafter Narayanaswami). Claims 5, 7, 8 and 14-16 stand rejected under 35 U.S.C. §103(a) as being obvious over Narayanaswami in view of U.S. Patent Application Publication No. 2002/0030744 to Sawachi (hereinafter Sawachi).

The Applicants submit that this response at least places this application in better form for appeal in accordance with 37 CFR 1.116. To this end, the Applicants respectfully request entry of this response as it should only require a cursory review by the Examiner because the claims are not amended and, therefore, no further search is necessitated.

The Applicants traverse the rejections of the pending claims and request reconsideration in view of the remarks that follow. The Applicants respectfully request that the Office favorably consider the remarks herein and withdraw the finality of the Office Action and the rejections.

In the present Office Action, the Examiner alleges that Narayanaswami anticipates independent claims 1 and 10 by characterizing the PDA of Narayanaswami as a portable phone. The Applicants submit that the anticipation rejection is specious and strenuously disagree with the Examiner's characterization of Narayanaswami's PDA being a portable phone. In support of the Applicants' position, the following remarks are submitted:

In the present application (page 1, lines 11-14), the Applicants describe that a portable digital device, which complements the Applicants' digital camera, may be "... a portable phone, a personal digital assistant (PDA), a global positioning system (GPS) terminal, a portable printer, or the like." In view of the foregoing, it is noteworthy that a portable phone is different and distinct from a PDA. Furthermore, according to the Applicants' response dated June 18, 2007, the claims have been amended to recite "portable phone" instead of "portable digital device," thereby disclaiming PDAs and distinguishing over the cited art that

show camera modules that cooperate with separable display modules, memory/storage modules and PDAs.

Narayanaswami discloses at column 1, lines 13-17 that, "... users have become increasingly reliant on cellular phones, personal digital assistants (PDA), pagers, wireless FAX modems for use with laptop computers, etc." The Applicants submit that the foregoing disclosure is noteworthy because Narayanaswami agrees with the Applicants in making a distinction between phones and PDAs. To further distinguish between phones and PDAs, Narayanaswami discloses that PDAs, "... store addresses, calendars, phone lists, memos, email messages, etc., and some can also access the Internet." (col 1. lines 20-22) Still further, the Examiner admits in the rejection of claims 5, 7, 8 and 14-16 that element 100 of Narayanaswami is a PDA and not a portable phone. In view of the foregoing, the Applicants submit that PDA 100 is not a portable phone and, therefore, Narayanaswami does not anticipate or render obvious independent claims 1 and 10.

For argument's sake, even if Narayanaswami's PDA 100 could be properly characterized as a portable phone, the Applicants submit that Narayanaswami does not disclose, teach, suggest or contemplate that the PDA 100 is useful for voice communication – the primary function of a portable phone. Although Narayanaswami discloses at column 4, lines 49-53 that, "... the wireless communications capability of PDA 100 may be used to communicate with PC 136 instead of providing a separate antenna and circuitry *for transmitting data* from cradle 112" (emphasis added), Narayanaswami does not disclose, teach, suggest or contemplate that a PDA could communicate with a base station for transceiving voice communications. To this end, the Applicants submit that is particularly notable that Narayanaswami does not disclose, teach, suggest or contemplate that PDA 100 has structural elements shown in FIG. 6 of the present application (e.g., analog-to-digital converter 601, encoder 602, phase modulator 603, transmitting amplifier 604, duplexer 611, receiving amplifier 612, demodulator 613 decoder 614, digital-to-analog converter 615, speaker SP, and microphone MIC) that provide for transmitting and receiving voice communications with a base station to enable portable phone functionality.

For the foregoing reasons the Applicants respectfully submit that the Examiner has mischaracterized the PDA 100 of Narayanaswami to be a portable phone, which it clearly is not. According to MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

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reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, because Narayanaswami does not disclose, teach, suggest or contemplate that PDA 100 is or could be a portable phone, the Applicants submit that Narayanaswami does not anticipate (or render obvious) the pending claims. To this end, the Applicants request that the rejection of the claims be withdrawn and the application be allowed.

The Applicants respectfully requests reconsideration and withdrawal of the rejection of the pending claims in view of the foregoing remarks. However, if the Office maintains the rejection of the pending claims, the Applicants stand ready to appeal. If any formal or substantive issues remain, the Examiner is invited to call the undersigned.

Respectfully submitted,

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